

## Article - Public Utilities

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§20–203.

(a) In this section, “minority business enterprise” has the meaning stated in § 14–301 of the State Finance and Procurement Article.

(b) (1) By resolution and adopting regulations, the Commission shall establish a mandatory minority business enterprise utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the Commission in accordance with its competitive bidding or proposal procedures under Subtitle 1 of this title.

(2) The Office shall administer the program established under this subsection.

(c) Regulations that establish the program under subsection (b) of this section shall include provisions that:

(1) recognize the certification of minority business enterprises by the State certification agency designated under § 14–303(b) of the State Finance and Procurement Article;

(2) recognize any other certification program that the Commission determines substantially duplicates the requirements of the State certification agency;

(3) provide for the graduation of a minority business enterprise from the program if the Commission determines that the minority business enterprise no longer requires the assistance or benefits offered by the program;

(4) at the time of submission, require a bid or proposal based on a solicitation with an expected degree of minority business enterprise participation to include proof of a certified minority business enterprise commitment by stating:

(i) the potential subcontract opportunities available in the prime procurement contract; and

(ii) the number of minority business enterprises that have certified, under the penalties for perjury, that the minority business enterprise has entered into an agreement with the bidder or offeror to provide goods or services under specific terms outlined in the certification;

(5) require each general contractor to submit to the Commission monthly reports of the number of minority business enterprises employed by the general contractor;

(6) require each general contractor to provide prompt notification to the Commission if a contract with a minority business enterprise is terminated;

(7) require each general contractor to:

(i) maintain a participation level from minority business enterprises that is consistent with the participation level referenced under item (4)(ii) of this subsection; or

(ii) provide justification for the inability of the general contractor to maintain the participation level;

(8) provide for an increase in minority business enterprise participation as general contractors and subcontractors; and

(9) authorize the waiver of all or part of the program for a specific contract if the Commission determines that applying the program to the contract would conflict with the overall objectives and responsibilities of the Commission.

(d) Before accepting an alternative certification program under subsection (c)(2) of this section, the Commission shall examine the alternative program to ensure that the alternative program complies with the guidelines established under § 20–205 of this subtitle.

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